

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRUCE TONEY,

Plaintiff,

v.

Case No. 05-CV-74249-DT

CITY OF DETROIT et al.,

Defendants.

**ORDER REQUIRING A RESPONSE TO DEFENDANTS' MOTION TO AMEND,
SETTING HEARING DATE, AND ADJOURNING BENCH TRIAL**

On August 29, 2006, the court issued an order which, among other things, set a limited bench trial for November 1, 2006. On October 18, 2006, Defendants City of Detroit and Timothy Gilbert filed a "Motion for Leave to File First Amended Answers to the Complaint," in which they seek to amend their Answer in order to withdraw the assertion that Plaintiff's claim is barred by prior release. If the court grants Defendants' motion, the issues which were to be the focus of the November 1, 2006 bench trial would become moot. Accordingly, the court will adjourn the bench trial pending resolution of Defendants' motion to amend.

IT IS ORDERED that the November 1, 2006 bench trial is ADJOURNED WITHOUT DATE.

IT IS FURTHER ORDERED that Plaintiff shall file a response to Defendants' October 18, 2006 motion to amend [Dkt. # 35] by **October 31, 2006**.

Finally, IT IS ORDERED that the court will conduct a combined status conference and hearing on Defendants' motion to amend on **November 2, 2006 at 2:00**

p.m. Parties, or party representatives with full settlement authority, are required to be present.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 25, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 25, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522